

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13475 of Metropolitan Memorial United Methodist Church, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue to operate a parking lot in an R-1-B and R-5-A District at the premises 3401 Nebraska Avenue, N.W., (Square 1601, Lot 816).

HEARING DATE: April 22, 1981

DECISION DATE: May 6, 1981

FINDINGS OF FACT:

1. The subject property is located at the intersection of Nebraska and New Mexico Avenues, N.W., one block southwest of Ward Circle. It is in an R-1-B and R-5-A District at the premises known as 3401 Nebraska Avenue, N.W.

2. At the time that this application was last approved by the Board, it was thought to be located entirely within the R-5-A zone district. Upon filing of the application, the staff of the Board discovered that the property is in fact divided by a zone boundary line, with less than five percent located in the R-1-B zone and the remainder zoned R-5-A.

3. The property is located directly across Nebraska Avenue from the campus of American University. The Metropolitan Memorial United Methodist Church and related structures are adjacent to Lot 816. Across New Mexico Avenue from the subject site is a parking lot which is used by American University. It has a capacity of approximately 678 cars. South of the existing American University parking lot is the site of the Kettler Brothers development which contains approximately 150 townhouse units and 233 parking spaces. Across Newark Street from the church is the Horace Mann Public School. The neighborhood to the south of this site generally between Nebraska and New Mexico Avenues is residential. A mixture of single family detached and semi-detached units is the predominant housing type.

4. The lot is currently used as parking for the church on weekends and during evening functions. During the daytime hours Monday through Friday, the lot is used as parking for the faculty and students of the adjoining American University. The applicant proposes the continuation of the facility in this fashion.

5. The lot accommodates approximately one hundred and eight vehicles, and operates as an attended facility by the University Monday through Friday from 7:00 A.M. to 6:00 P.M.

6. The applicant testified that maintenance of the lot is a co-responsibility of the church and the operator of the lot.

7. The Church and University are non-profit entities, and the lot is not operated as a commercial facility for profit. The University does, however, impose a cost, based on the normal school year, of approximately ninety dollars, to defray the cost of maintenance and operation incurred by the use of the lot as University parking.

8. There are two entrances to the lot, one from New Mexico Avenue, N.W., and another from Newark Street, N.W. Both access points can be closed at present with the use of chains. The New Mexico Avenue entrance, which is approximately fifty feet from the intersection of Nebraska and New Mexico Avenues will be closed during the weekdays leaving only the Newark Street entrance open.

9. The University will provide a guard house and guards to supervise the lot during those periods when the lot will be used by students and faculty. The applicant will receive no monetary compensation for the use of its lot from American University. There will be no commercial advertising signs on the lot.

10. A spokesman for the University testified that this lot is not included in parking required as a part of the approved campus plan. This lot is used strictly to cover overflow parking that would otherwise crowd the streets, with the understanding that if the church has a need for complete use of the lot at any time during the weekday, it will be made available to it.

11. The Department of Transportation by report dated April 7, 1981, indicated that upon its review of the lot, it was observed to be clean and in good physical condition. The Department therefore, offered no objections to its continued use.

12. Advisory Neighborhood Commission, by letter of April 23, 1981, stated that the lot seemingly had been operated without objections from neighboring residents, and the Commission would therefore not object to its continued use.

13. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that all the provisions of Article 74 of the Zoning Regulations have been complied with, and that there are no commercial advertising signs on the property. The Board concludes that the approval of this application will not adversely affect the present character of future development of this area, as it will help relieve parking pressure in the area. The lot is exceptionally well maintained at present and it will be reasonably necessary and convenient to both the Church and American University.

The Board concludes that the granting of this special exception is in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

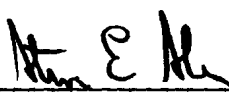
- a. Permit shall issue for a period of five years from the date of expiration of the previous Certificate, of Occupancy, which shall be subject to renewal in the discretion of the Board upon the filing of a new appeal in the manner prescribed by the Zoning Regulations.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.

- d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structures or otherwise permitted in the zoning district in which the parking lot is located.
- g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (John G. Parsons and Connie Fortune to grant; Douglas J. Patton and William F. McIntosh to grant by proxy; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 JUL 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.